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10/698,345	10/31/2003	Hidetoshi Abe	59007US002	9663

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EXAMINER	
HAWKINS, CHERYL N	

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,345	ABE ET AL.	
	Examiner	Art Unit	
	Cheryl N Hawkins	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) 24-29 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-23 is/are rejected.

7)☒ Claim(s) 23 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 31 October 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/15/04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-23, drawn to an apparatus for dispensing an adhesive film onto an elongated structure, classified in class 156, subclass 577.

   II. Claims 24-29, drawn to a method of dispensing an adhesive film onto an elongated structure, classified in class 156, subclass 71.

2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process, i.e. a process in which the film roll comprises of a film consisting of a single-layer.

3. During a telephone conversation with Colene H. Blank on January 18, 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 24-29 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

5. Claim 23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is unclear as to how Claim 23, which recites the characteristics of the adhesive film, provides any additional structural limitations for further limiting the apparatus recited in Claim 12.

6. Claim 17 is objected to because of the following informalities: "a wrapped" in line 1 of the claim should be changed to --wrapped--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6, 8-13, and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by McLeod et al. (US 6,450,228). As to Claim 1, McLeod et al. discloses an apparatus (Figure 1, apparatus 10) for dispensing an adhesive film (Figure 7a, film 160) onto an elongated structure (Figure 7a, handrail 200) which has an elongated top surface and two shoulder portions each on an opposing side of the elongated top surface, the two shoulder portions defining a surface width, the apparatus comprising a mounting frame having first and second frame side panels (Figure 1, trough elements 92a and 92b) opposing each other, the frame side panels together defining a trailing end, a leading end, a top side and a bottom side for the apparatus, and bottom portions of the first and second frame side panels defining a sleeve width at least as wide as the surface width; guide members (Figures 9a-9f, rollers 110-115) on the bottom portions of the first and second frame side panels to engage the shoulder portions of the elongated structure to allow movement of the apparatus in relation to the elongated structure while the guide members remain engaged with the shoulder portions; and a roll mounting assembly (Figure 1, spindle 64) for securely and rotatably receiving a film roll (Figure 4, film roll 174) on the top side and adjacent the leading end of the apparatus. It is noted that the curved trough elements disclosed by McLeod et al. are considered curved panels as known in the art (see US 2,934, 790; US D340,533; US 4,083,153).

As to Claim 2, McLeod et al. discloses an apparatus for dispensing an adhesive film (Figure 7a, film 160) comprising guide members (Figures 9a-9f, rollers 110-115) which include at least a first pair of guide rollers mounted within a sleeve, the first pair of guide rollers opposing each other and defining a channel into which the shoulder portions of the elongated structure (Figures 9a-9f, handrail 200) enter to engage the guide rollers.

As to Claim 3, McLeod et al. discloses an apparatus wherein each of the guide rollers (Figures 9a-9f, rollers 110-115) is mounted on a guide roller mounting member offset from the bottom portion of the frame side portions adjacent thereof.

As to Claim 4, McLeod et al. discloses an apparatus wherein the guide members (Figure 1, rollers 110-113) further comprise a second pair of guide rollers mounted within the sleeve, the second pair of guide rollers longitudinally offset from the first pair of guide rollers, and the first and second pairs of guide rollers together defining the channel.

As to Claim 5, McLeod et al. discloses an apparatus wherein guide rollers (Figures 9a-9f, rollers 110-115) are each mounted on a spring (Figure 11d, spring 228) such that each guide roller is movable laterally (column 9, lines 4-16).

As to Claim 6, McLeod et al. discloses an apparatus wherein the pair of guide rollers (Figures 9a-9f, rollers 110-115) are each mounted on an opposing guide roller mounting member offset from the bottom portions of the frame side panels.

As to Claim 8, McLeod et al. discloses an apparatus wherein the frame side panels (Figure 1, trough elements 92a and 92b) extend in a longitudinal direction and the film roll (Figure 4, film roll 174) has a rotating axis which, when securely received, defines a lateral direction, the film roll being fixable in the lateral direction (Figure 1, spindle 64) such that a length of film (Figure 7a, film 160) unwound from the film roll maintains a consistent lateral position in relation to the elongated structure (Figure 7a, handrail 200).

As to Claim 9, McLeod et al. discloses an apparatus wherein the film roll (Figure 4, film roll 174), when securely received, is laterally fixed in a central position such that the film (Figure 7a, film 160) unwound from the film roll maintains a central lateral position in relation to the elongated structure (Figure 7a, handrail 200).

As to Claim 10, McLeod et al. discloses an apparatus which includes a separation bar adjacent the trailing end of the apparatus, wherein the separation bar assists to separate a two-layer film unwound from the securely received film roll into a first layer and a second layer such that the first layer is directed in a forward direction onto the elongated structure while the second layer is direction in a backward direction toward the leading end of the apparatus (see Figure 5).

As to Claim 11, McLeod et al. discloses an apparatus comprising a dividing panel (Figure 1, trough elements 92a and 92b) disposed across the two opposing side frame side panels such that the second layer of the film, after being separated from the first layer and directed backward to the leading end of the apparatus, is substantially prevented from contacting the top surface of the elongated structure (see Figure 5).

As to Claim 12, McLeod et al. discloses an apparatus for dispensing an adhesive film (Figure 7a, film 160) onto a top surface of a handrail (Figure 2a, handrail 200) having a handrail width, the apparatus comprising a mounting frame having first and second frame side panels (Figure 2a, trough elements 92a and 92b) opposing each other, the frame side panels together defining a trailing end, a leading end, a top side and a bottom side for the apparatus, and bottom portions of the first and second frame side panels defining a sleeve width at least the same as the handrail width; guide members (Figures 9a-9f, rollers 110-115) on the bottom portions of the first and second frame side panels to engage the shoulder portions of the handrail to allow movement of the apparatus in relation to the handrail while the guide members remain engaged with the shoulder portions; and a film roll assembly including a film roll mounting member (Figure 1, spindle 64) and a film roll (Figure 5, film roll 174) securely mounted on the film roll mounting member, wherein the film roll assembly is connected to the mounting frame on the top side of the apparatus and the film roll holds the adhesive film wrapped around an axis.

As to Claim 13, McLeod et al. discloses guide members (Figures 9a-9f, rollers 110-115) which include at least a first pair of guide rollers mounted within the sleeve, the first pair of guide rollers opposing each other and defining a channel into which the shoulder portions of the handrail (Figures 9a-9f, handrail 200) enter to engage the guide rollers.

As to Claim 15, McLeod et al. discloses an apparatus wherein the film roll (Figure 5, film roll 174) comprises a two-layer film having a first layer and a second layer.

As to Claim 16, McLeod et al. discloses an apparatus wherein the first layer is an application film to be applied on the top surface of the handrail, and the second layer is a liner layer (column 10, lines 58-67).

As to Claim 17, McLeod et al. discloses an apparatus wherein, when the two-layer film is wrapped toward the trailing end of the apparatus, the application film is on top of the liner (see Figure 5).

As to Claim 18, McLeod et al. discloses an apparatus which includes a separation bar adjacent the trailing end of the apparatus, the separation bar assisting to separate the two-layer film unwound from the film roll into the first layer and the second layer such that the first layer is directed to the trailing end of the apparatus onto the top surface of the handrail while the second layer is directed toward the leading end of the apparatus (see Figure 5).

As to Claim 19, McLeod et al. discloses an apparatus wherein the second layer is directed toward the leading end of the apparatus through a channel adjacent to the bottom side of the mounting frame (see Figure 5).

As to Claim 20, McLeod et al. discloses an apparatus wherein the frame side panels (Figure 1, trough elements 92a and 92b) have an elongated shape extending in a longitudinal direction parallel to the handrail (Figure 2a, handrail 200) and the film roll (Figure 5, film roll

174) has a rotating axis (Figure 1, spindle 64) which, when securely received, defines a lateral direction, the film roll, when securely received, being laterally fixable in a central position such that a film (Figure 7a, film 160) unwound from the film roll maintains a consistent lateral central position in relation to the elongated structure.

As to Claim 21, McLeod et al. discloses an apparatus wherein the adhesive film has a width that matches the handrail width (column 3, lines 36-44).

As to Claim 22, McLeod et al. discloses an apparatus wherein the adhesive film has a width greater than the handrail width such that the film, when centered on the top surface of the handrail, laterally extends to cover a shoulder portion of the handrail (see Figure 5).

As to Claim 23, McLeod et al. discloses an apparatus which is capable of dispensing an adhesive film which has at least one of the properties selected from a group consisting of: being decorative, informative, protective, or dust removing (column 10, lines 24-30 and 58-67).

9. Claims 1, 8, 9, 12, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by McXinnon (US 4,849,063). As to Claim 1, McXinnon discloses an apparatus for dispensing a film (Figure 1, trim edging 36) onto an elongated structure which has an elongated top surface (Figure 1, board edge 18) and two should portions each on an opposing side of the elongated top surface, the two shoulder portions defining a surface width, the apparatus comprising a mounting frame (Figure 1, frame 10) having first and second frame side panels (Figure 1, plates 12a and 12b) opposing each other, the frame side panels together defining a trailing end, a leading end, a top side and a bottom side for the apparatus, and bottom portions of the first and second frame side panels defining a sleeve (Figure 1, channel 16) having a sleeve width at least as wide as the surface width (column 3, lines 49-51); guide members (Figure 2, strips 39a and 39b, spacer plate

40) on the bottom portions of the first and second frame side panels to engage the shoulder portions of the elongated structure to allow movement of the apparatus in relation to the elongated structure while the guide members remain engaged with the shoulder portions (column 3, lines 2-16); and a roll mounting assembly (Figure 2, disk 42) for securely and rotatably receiving a film roll (Figure 2, tape spool 46) on the top side and adjacent the leading end of the apparatus. It is noted that the apparatus of McXinnon is capable of dispensing an adhesive film.

As to Claim 8, McXinnon discloses an apparatus wherein the frame side panels (Figure 1, plates 12a and 12b) extend in a longitudinal direction and the film roll (Figure 2, tape spool 46) has a rotating axis which, when securely received, defines a lateral direction, the film roll being fixable in the lateral direction (Figure 2, nut and bolt retaining disk 42) such that a length of film (Figure 2, trim edging 36) unwound from the film roll maintains a consistent lateral position in relation to the elongated structure (Figure 2, board edge 18).

As to Claim 9, McXinnon discloses an apparatus wherein the film roll (Figure 2, tape spool 46), when securely received, is laterally fixed in a central position (Figure 2, nut and bolt retaining disk 42) such that the film (Figure 2, trim edging 36) unwound from the film roll maintains a central lateral position in relation to the elongated structure (Figure 2, board edge 18).

As to Claim 12, McXinnon discloses an apparatus for dispensing a film (Figure 1, trim edging 36) onto a top surface of an elongated structure (Figure 1, board edge 18) having a surface width, the apparatus comprising a mounting frame (Figure 1, frame 10) having first and second frame side panels (Figure 1, plates 12a and 12b) opposing each other, the frame side panels together defining a trailing end, a leading end, a top side and a bottom side for the apparatus, and bottom portions of the first and second frame side panels defining a sleeve having

a sleeve width at least as wide as the surface width (column 3, lines 49-51); guide members (Figure 2, strips 39a and 39b, spacer plate 40) on the bottom portions of the first and second frame side panels to engage the shoulder portions of the elongated structure to allow movement of the apparatus in relation to the elongated structure while the guide members remain engaged with the shoulder portions (column 3, lines 2-16); and a film roll assembly including a film roll mounting member (Figure 2, disk 42) and a film roll (Figure 2, tape spool 46) securely mounted on the film roll mounting member, wherein the film roll assembly is connected to the mounting frame on the top side of the apparatus and the film roll holds an film wrapped around an axis. It is noted that the apparatus of McXinnon is capable of dispensing an adhesive film onto a top surface of a handrail.

As to Claim 20, McXinnon discloses an apparatus wherein the frame side panels (Figure 1, plates 12a and 12b) have an elongated shape extending in a longitudinal direction parallel to the elongated structure (Figure 1, board edge 18) and the film roll (Figure 2, tape spool 46) has a rotating axis which, when securely received, defines a lateral direction, the film roll, when securely received, being laterally fixable (Figure 2, nut and bolt retaining disk 42) in a central position such that a film (Figure 2, trim edging 36) unwound from the film roll maintains a consistent lateral central position in relation to the elongated structure.

As to Claim 21, McXinnon discloses an apparatus which is capable of dispensing an adhesive film having a width that matches the width of the elongated structure (column 3, lines 49-54).

As to Claim 22, McXinnon discloses an apparatus which is capable of dispensing an adhesive film having a width greater than the width of the elongated structure, when centered on

the top surface of the elongated structure, laterally extends to cover a shoulder portion of the elongated structure (column 3, lines 16-20).

As to Claim 23, McXinnon discloses an apparatus which is capable of dispensing an adhesive film which has at least one of the properties selected from a group consisting of: being decorative, informative, protective, or dust removing (see Figures 1 and 2).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-6, 8, 9, 12, 13, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McXinnon (US 4,849,063) in view of McLeod et al. (US 6,450,228). Claims 1, 8, 9, 12, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by McXinnon (US

4,849,063). As to Claim 1, McXinnon discloses an apparatus for dispensing a film (Figure 1, trim edging 36) onto an elongated structure which has an elongated top surface (Figure 1, board edge 18) and two should portions each on an opposing side of the elongated top surface, the two shoulder portions defining a surface width, the apparatus comprising a mounting frame (Figure 1, frame 10) having first and second frame side panels (Figure 1, plates 12a and 12b) opposing each other, the frame side panels together defining a trailing end, a leading end, a top side and a bottom side for the apparatus, and bottom portions of the first and second frame side panels defining a sleeve (Figure 1, channel 16) having a sleeve width at least as wide as the surface width (column 3, lines 49-51); guide members (Figure 2, strips 39a and 39b, spacer plate 40) on the bottom portions of the first and second frame side panels to engage the shoulder portions of the elongated structure to allow movement of the apparatus in relation to the elongated structure while the guide members remain engaged with the shoulder portions (column 3, lines 2-16); and a roll mounting assembly (Figure 2, disk 42) for securely and rotatably receiving a film roll (Figure 2, tape spool 46) on the top side and adjacent the leading end of the apparatus. It is noted that the apparatus of McXinnon is capable of dispensing an adhesive film.

As to Claim 2, McXinnon does not disclose guide members which include at least a first pair of guide rollers mounted within the sleeve, the first pair of guide rollers opposing each other and defining a channel into which the shoulder portions of the elongated structure enters to engaged the guide rollers. McLeod et al. discloses an apparatus for dispensing an adhesive film comprising guide members (Figures 9a-9f, rollers 110-115) which include at least a first pair of guide rollers mounted within a sleeve, the first pair of guide rollers opposing each other and defining a channel into which the shoulder portions of the elongated structure (Figures 9a-9f, handrail 200) enter to engage the guide rollers. It would have been readily apparent to one of

ordinary skill in the art at the time of the invention that the guide members disclosed by McXinnon are functionally equivalent to the guide rollers disclosed by McLeod et al. for maintaining proper alignment of the apparatus with the elongated structure and for pressing the film against the shoulders of the elongated structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the guide members of McXinnon with guide rollers such as those disclosed by McLeod et al. to maintain proper alignment of the apparatus with the elongated structure and to press the film against the shoulders of the elongated structure; those structural elements being functionally equivalent.

As to Claim 3, the references as combined (see McLeod et al.) disclose an apparatus wherein each of the guide rollers (Figures 9a-9f, rollers 110-115) is mounted on a guide roller mounting member offset from the bottom portion of the frame side portions adjacent thereof.

As to Claim 4, the references as combined (see McLeod et al.) disclose an apparatus wherein the guide members (Figure 1, rollers 110-113) further comprise a second pair of guide rollers mounted within the sleeve, the second pair of guide rollers longitudinally offset from the first pair of guide rollers, and the first and second pairs of guide rollers together defining the channel.

As to Claim 5, the references as combined (see McLeod et al.) disclose an apparatus wherein guide rollers (Figures 9a-9f, rollers 110-115) are each mounted on a spring (Figure 11d, spring 228) such that each guide roller is movable laterally (column 9, lines 4-16).

As to Claim 6, the references as combined (see McLeod et al.) disclose an apparatus wherein the pair of guide rollers (Figures 9a-9f, rollers 110-115) are each mounted on an opposing guide roller mounting member offset from the bottom portions of the frame side panels.

As to Claim 8, McXinnon discloses an apparatus wherein the frame side panels (Figure 1, plates 12a and 12b) extend in a longitudinal direction and the film roll (Figure 2, tape spool 46) has a rotating axis which, when securely received, defines a lateral direction, the film roll being fixable in the lateral direction (Figure 2, nut and bolt retaining disk 42) such that a length of film (Figure 2, trim edging 36) unwound from the film roll maintains a consistent lateral position in relation to the elongated structure (Figure 2, board edge 18).

As to Claim 9, McXinnon discloses an apparatus wherein the film roll (Figure 2, tape spool 46), when securely received, is laterally fixed in a central position (Figure 2, nut and bolt retaining disk 42) such that the film (Figure 2, trim edging 36) unwound from the film roll maintains a central lateral position in relation to the elongated structure (Figure 2, board edge 18).

As to Claim 12, McXinnon discloses an apparatus for dispensing a film (Figure 1, trim edging 36) onto a top surface of an elongated structure (Figure 1, board edge 18) having a surface width, the apparatus comprising a mounting frame (Figure 1, frame 10) having first and second frame side panels (Figure 1, plates 12a and 12b) opposing each other, the frame side panels together defining a trailing end, a leading end, a top side and a bottom side for the apparatus, and bottom portions of the first and second frame side panels defining a sleeve having a sleeve width at least as wide as the surface width (column 3, lines 49-51); guide members (Figure 2, strips 39a and 39b, spacer plate 40) on the bottom portions of the first and second frame side panels to engage the shoulder portions of the elongated structure to allow movement of the apparatus in relation to the elongated structure while the guide members remain engaged with the shoulder portions (column 3, lines 2-16); and a film roll assembly including a film roll mounting member (Figure 2, disk 42) and a film roll (Figure 2, tape spool 46) securely mounted

on the film roll mounting member, wherein the film roll assembly is connected to the mounting frame on the top side of the apparatus and the film roll holds an film wrapped around an axis. It is noted that the apparatus of McXinnon is capable of dispensing an adhesive film onto a top surface of a handrail.

As to Claim 13, McXinnon does not disclose guide members which include at least a first pair of guide rollers mounted within the sleeve, the first pair of guide rollers opposing each other and defining a channel into which the shoulder portions of the elongated structure enters to engaged the guide rollers. McLeod et al. discloses guide members (Figures 9a-9f, rollers 110-115) which include at least a first pair of guide rollers mounted within the sleeve, the first pair of guide rollers opposing each other and defining a channel into which the shoulder portions of the elongated structure (Figures 9a-9f, handrail 200) enters to engage the guide rollers. It would have been readily apparent to one of ordinary skill in the art at the time of the invention that the guide members disclosed by McXinnon are functionally equivalent to the guide rollers disclosed by McLeod et al. for maintaining proper alignment of the apparatus with the elongated structure and for pressing the film against the shoulders of the elongated structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the guide members of McXinnon with guide rollers such as those disclosed by McLeod et al. to maintain proper alignment of the apparatus with the elongated structure and to press the film against the shoulders of the elongated structure.

As to Claim 20, McXinnon discloses an apparatus wherein the frame side panels (Figure 1, plates 12a and 12b) have an elongated shape extending in a longitudinal direction parallel to the elongated structure (Figure 1, board edge 18) and the film roll (Figure 2, tape spool 46) has a rotating axis which, when securely received, defines a lateral direction, the film roll, when

securely received, being laterally fixable (Figure 2, nut and bolt retaining disk 42) in a central position such that a film (Figure 2, trim edging 36) unwound from the film roll maintains a consistent lateral central position in relation to the elongated structure.

As to Claim 21, McXinnon discloses an apparatus which is capable of dispensing an adhesive film having a width that matches the width of the elongated structure (column 3, lines 49-54).

As to Claim 22, McXinnon discloses an apparatus which is capable of dispensing an adhesive film having a width greater than the width of the elongated structure, when centered on the top surface of the elongated structure, laterally extends to cover a shoulder portion of the elongated structure (column 3, lines 16-20).

As to Claim 23, McXinnon discloses an apparatus which is capable of dispensing an adhesive film which has at least one of the properties selected from a group consisting of: being decorative, informative, protective, or dust removing (see Figures 1 and 2).

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McXinnon (US 4,849,063) and McLeod et al. (US 6,450,228) as applied to claim 1 above, and further in view of Januska (US 4,775,442). As to Claim 7, McXinnon does not disclose an apparatus wherein the roll mounting assembly comprises a pair of mounting walls each connected to the first and second frame side panels, the pair of mounting walls facing each other to define a receiving space to receive the film roll, wherein the film roll is adapted to hold a length of the film wrapped around an axis, and, when received in the receiving space, the film roll is rotatable to unwind the wrapped adhesive film in at least a direction toward the trailing end of the apparatus. Januska discloses an apparatus (Figure 1, applicator 10) wherein the roll mounting assembly

comprises a pair of mounting walls (Figure 1, frame members 28 and 30) each connected to the first and second frame side panels, the pair of mounting walls facing each other to define a receiving space to receive the film roll (Figure 1, tape roll 12), wherein the film roll is adapted to hold a length of the film wrapped around an axis (Figure 1, spindle 39), and, when received in the receiving space, the film roll is rotatable to unwind the wrapped adhesive film in at least a direction toward the trailing end of the apparatus; the roll mounting assembly being easily accessible for the removal and replacement of the film roll. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of McXinnon to include a roll mounting assembly as suggested by Januska to enable a user to more easily remove and replace the film roll as necessary.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McXinnon (US 4,849,063) and McLeod et al. (US 6,450,228) as applied to claim 12 above, and further in view of Januska (US 4,775,442). As to Claim 14, McXinnon does not disclose an apparatus wherein the roll mounting assembly comprises a pair of mounting walls each connected to one of the first and second frame side panels, the pair of mounting walls facing each other to define a receiving space to receive the film roll, wherein the film roll, when received in the receiving space, is rotatable to unwind the wrapped adhesive film in at least a direction toward the trailing end of the apparatus. Januska an apparatus (Figure 1, applicator 10) wherein the roll mounting assembly comprises a pair of mounting walls (Figure 1, frame members 28 and 30) each connected to one of the first and second frame side panels, the pair of mounting walls facing each other to define a receiving space to receive the film roll (Figure 1, tape roll 12), wherein the film roll, when received in the receiving space, is rotatable (Figure 1, spindle 39) to unwind the

wrapped adhesive film in at least a direction toward the trailing end of the apparatus; the roll mounting assembly being easily accessible for the removal and replacement of the film roll. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of McXinnon to include a roll mounting assembly as suggested by Januska to enable a user to more easily remove and replace the film roll as necessary.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N Hawkins whose telephone number is (571) 272-1229. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A Fiorilla can be reached on (517) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheryl N. Hawkins
January 31, 2005

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